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December 22, 2009

Warden Burl Cain
Louisiana State Penitentiary
17544 Tunica Trace
Angola, LA 70712

Re: Hymel Varnado, DOC #333068
Via: U.S. Mail and Facsimile

Dear Warden Cain:

Hymel Varnado is a prisoner currently housed in Closed Cell Restriction (CCR) at Louisiana State Penitentiary. We understand that he has been housed in isolation almost the entire time he has been at Angola, since he arrived in May of 1997 at age 21.

According to the assessment conducted by prison administrators, at the time of his arrival Varnado had no mental health problems, no escape history, and no enemies. In spite of this, Varnado was placed in CCR. During the past decade at Angola, Varnado has no record of escape attempts, no record of assaulting staff, and no record of physically harming himself or others. He has received only eight very minor disciplinary write-ups. In fact, Varnado's good behavior allowed that he be moved to a dorm for a time last year. However, once that dorm was closed, Varnado was moved back to CCR. Based on his record while in custody, there is no legitimate penological reason to continue detaining Varnado in isolation at CCR.

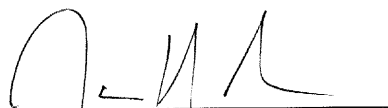
The time in isolation is having disastrous affects on Varnado's physical and psychological well-being. He experiences psychological torture on a daily basis, including sleep deprivation and acute psychological pain. Not only does Varnado's prolonged confinement result in acute pain, it also deprives him of several basic human needs, including sleep and human companionship, violating the Eighth Amendment of the United States Constitution.

The serious harm that results from prolonged isolation has been recognized for over a century. See In re Medley, 134 U.S. 160, 167, 169 (1890). In fact, over a decade ago the problems associated with prolonged confinement struck one Court as not being "rocket science." McClary v. Kelly, 4 F.Supp.2d 195, 209 (W.D.N.Y.,1998) (citing Madrid v. Gomez, 889 F.Supp. 1146, 1230 (N.D.Cal.1995))("Social science and clinical literature have consistently reported that when

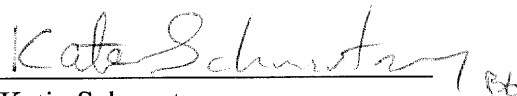
human beings are subjected to social isolation and reduced environmental stimulation, they may deteriorate mentally and in some cases develop psychiatric disturbances.”); Davenport v. DeRobertis, 844 F.2d 1310, 1316 (7th Cir.) (noting that there is “plenty of medical and psychological literature concerning the ill effects” of segregation of prison inmates), cert. denied, 488 U.S. 908, 109 S.Ct. 260, 102 L.Ed.2d 248 (1988); Morris v. Trivisono, 549 F.Supp. 291, 295 (D.R.I.1982) (“Judicial review of prison officials' justification for holding a prisoner in solitary confinement for an extended period of time is necessitated by the debilitating effect such confinement can have on a prisoner”), aff'd, 707 F.2d 28 (1st Cir.1983); Ruiz v. Estelle, 503 F.Supp. 1265, 1360 (S.D.Tex.1980) (“In addition to causing physical deterioration, the conditions of solitary confinement occasioned severely negative and pernicious psychological effects on some inmates”); Kelly v. Brewer, 378 F.Supp. 447, 451 (S.D.Iowa 1974) (Court relies on opinion testimony of psychologist who found that administrative segregation “and the sensory deprivation resulting from such confinement can have extremely harmful psychological effects upon the person involved”); Landman v. Royster, 354 F.Supp. 1302, 1307 (E.D.Va.1973) (Court relied on opinion testimony of psychiatrist who found that “solitary confinement beyond a two or three week period would have a definite adverse effect upon most people”)).

We understand that Varnado is scheduled for a review by the Lockdown Review Board in January 2010. We believe that the Eighth Amendment to the United States Constitution calls for Varnado’s release from CCR into a less restrictive setting. We are writing to bring this matter to your attention, in hopes of avoiding litigation. It is our hope Varnado is transferred out of the isolation setting of CCR and into a lesser restrictive environment.

Sincerely,



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cc. Warden Darrel Vannoy, Warden Robert Butler, and Sec. James LeBlanc